

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
December 28, 2004

- 1.1 Call to Order – Mayor Dirksen called the City Council & Local Contract Review Board to order at 7:31 p.m.
- 1.2 Roll Call – Mayor Dirksen and Councilors Moore, Sherwood, Wilson, and Woodruff were present.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items:

City Manager Monahan said that staff requests Item No. 5 be delayed until February.

2. PUBLIC HEARING (Quasi-Judicial) - ARBOR SUMMIT AND ADJACENT PROPERTIES ANNEXATION – ZCA 2004-0001

The following description was read by City Attorney Ramis at the December 14, 2004 meeting:

**REQUEST:** The applicant is requesting annexation of two (2) parcels containing 8.9 acres into the City of Tigard, better known as Arbor Summit Subdivision I and II. An additional 9.29 acres has been included by means of consent (Bella Vista Subdivision). The City is also including a 17.91 acre piece of the contiguous Summit Ridge Subdivision by using double majority, as allowed by Oregon Revised Statute 222.170.2, Effect of consent to annexation by territory. Therefore, this annexation is for eight (8) parcels totaling 36.1 acres. **LOCATION:** Eight contiguous properties located between SW Bull Mountain Road and SW Beef Bend Road, east of SW 133<sup>rd</sup> Avenue and west of Turnagain Heights; also known as Arbor Summit I and II, Bella Vista, and a portion of Summit Ridge Subdivisions. 12780 and 12950 SW Bull Mountain Road; 12525, 12635, 12655 and 12825 SW Beef Bend Road; and 2 unaddressed parcels. Washington County Tax Assessor's Map Numbers 2S109AD, Tax Lots 1400 and 1500; 2S109DA, Tax Lot 2200; and 2S109DD, Tax Lots 100, 102, 300, 306 and 7000. **ZONE:** R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development

Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Mayor Dirksen noted the hearing was continued from December 14, 2004.

- b. Declarations or Challenges:

Councilor Wilson advised that Lisa Hamilton Treick called him on the telephone and urged him to vote no on the proposed annexation. He reported that the conversation was not to the relevant criteria necessarily, it was more of a philosophical, broad natured discussion including long range policies for the Bull Mountain area. Councilor Wilson said this conversation would not cause him to be biased.

- c. Community Development Director Hendryx summarized the staff report. The hearing was opened on December 14, 2004, and upon request from the public, the record was held open for seven days so additional written testimony could be submitted. No new testimony was submitted. The applicant's legal counsel requested in a December 23 letter that the City Council approve the annexation submittal, stating that the evidence in the record supports a finding that the applicable approval criteria for annexation are satisfied.

Following the hearing of December 14, staff met with the City Attorney and revised the findings. The findings have been submitted to Council. Mr. Hendryx distributed revised ordinances for Options 1 and 2. The revision to both ordinances was to make the annexation effective immediately rather than 30 days from the date of Council action.

Community Development Director Hendryx referred to a map, which illustrated the two options before the Council. Option 1 would call for annexation of the total area, 36.1 acres, which includes Arbor Summit I and II, a portion of Summit Ridge (18 acres), and 9 acres of Bella Vista. Since the hearing, the applicant for Summit Ridge has submitted a Consent to Annex form for the entire Summit Ridge development; however, given where the City is in the process the entire Summit Ridge development could not be added to this land use application. The City is now in possession of two Consents to Annex, one for Summit Ridge and the Arbor Summit petition for annexation.

- d. Community Development Director Hendryx advised staff recommended adoption of Option 1, which would be Annexation of

Arbor Summit I and II, a portion of Summit Ridge, and all of Bella Vista Subdivisions.

e. Council Discussion

Upon request by Mayor Dirksen, Mr. Hendryx reviewed the current city limits' proximity to the proposed annexation area.

Upon request by Councilor Wilson, Mr. Hendryx explained the last Consent to Annex was received last Thursday at approximately 4:45 p.m., just before the Friday holiday. The applicant submitted two Consents; a Consent to annex and a waiver of the one-year time requirement to process an annexation request. The significance is that, with a Consent, the City may proceed with annexation of the property. This is something that the City regularly requires for projects that are outside the City but inside the urban services area where the City provides planning, engineering, and development-related services. He affirmed that Councilor Wilson was correct in that there is no opposition from any of the property owners.

f. Mayor Dirksen closed the public hearing.

g. Council Consideration:

Motion by Councilor Sherwood, seconded by Councilor Moore, to adopt Ordinance No. 04-15, Option 1.

Council discussion on the motion:

Councilor Woodruff acknowledged the testimony received two weeks ago. He advised he had reread the testimony that was provided. The proposed annexations are the kind that the City has done before. There would be no one on the properties that would be adversely affected. The City will be able to provide services and the boundary line will look better. He appreciated the testimony, but did not see any compelling argument against proceeding with the annexations.

Councilor Wilson said he agreed with Councilor Woodruff. While he would have thought the proposed annexation should have been non-controversial, he wanted to acknowledge that it is controversial. Having been through a very contentious annexation process, he was personally sympathetic to a lot of the goals that he heard and would like

to continue the dialogue with people in their respective areas. There are some common interests and he would like to work together to see what could be done to address those. On this particular issue, he supports the annexation, which continues a practice of about 15 to 20 years to annex an average of three annexations per year up to nine in a given year, which were similar to this one.

Mayor Dirksen commented that this annexation process is not unique to Tigard, but annexations like this one happen in other jurisdictions in the same way. The Mayor agreed with the comments of the Councilors and added that there would be nothing gained and much lost if the Council were to vote no. If the Council voted no, then the development could not take place and this decision would probably be appealed to a higher level and ultimately there would be no purpose to a no vote at this time. The opportunity would be lost to receive funds for parks acquisition and park improvements.

Councilor Sherwood said that this would give the City an opportunity to prove that with the SDC funds collected the City is working in the direction for park improvements. When the opportunities are there, "we need to take advantage of it."

Councilor Woodruff said that at some point in the near future, he would like to have a presentation from the Parks Board to hear what is being done with the SDC funds.

Mayor Dirksen pointed out that there is a public City meeting on January 19 for the capital improvements program to gather citizen input for the coming year's capital improvement plan for projects they would like to see accomplished in the coming year.

The City Recorder read the following:

ORDINANCE 2004-15 – AN ORDINANCE ANNEXING 36.1 ACRES, APPROVING ARBOR SUMMIT ANNEXATION AND OTHER ADJACENT PROPERTIES (ZCA 2004-00001) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT, AND DECLARING AN EMERGENCY.

The motion was approved by a unanimous vote of the City Council present:

Mayor Dirksen:	Yes
Councilor Moore:	Yes
Councilor Sherwood	Yes
Councilor Wilson	Yes
Councilor Woodruff	Yes

3. REVISED CITY/TRIMET MEMORANDUM OF UNDERSTANDING (MOU)

- a. Community Development Director Jim Hendryx reviewed the staff report, which is on file in the City Recorder's office. In December last year, Council considered and adopted a Memorandum of Understanding (MOU) with TriMet to formalize a partnership to plan for local service and pedestrian improvements. The revisions to the MOU were proposed because the timeframe of the original MOU was tied to the completion date for Commuter Rail. The new MOU reflects the change in Commuter Rail startup to FY 07 from FY 06. The revised MOU includes language changes requested by TriMet's legal office. None of the changes are substantive. A benefit to Tigard with the revised MOU is that it will give an additional year of transit agency time and attention to the City.

- b. Councilor Sherwood thanked staff for their work with TriMet for the benefit of Tigard.

Councilor Wilson said that Mayor Griffith deserves much credit as well for his efforts with TriMet.

Councilor Woodruff said he was disappointed that commuter rail is one year further away, but noted the opportunity to build the relationship with TriMet.

- c. Council Consideration:

Motion by Councilor Woodruff, seconded by Councilor Sherwood, to approve the revised Memorandum of Understanding.

The motion was approved by a unanimous vote of the City Council present:

Mayor Dirksen:	Yes
Councilor Moore:	Yes
Councilor Sherwood	Yes

Councilor Wilson	Yes
Councilor Woodruff	Yes

4. PUBLIC HEARING – RESOLUTION TO ADOPT AMENDED MASTER FEES FOR LONG-RANGE PLANNING (Continued from December 14, 2004)

- a. Mayor Dirksen opened the public hearing, which was continued from December 14, 2004.
- b. Community Development Director Jim Hendryx presented the staff report, which is on file in the City Recorder's office. Council had directed staff to develop a long-range planning fee to help offset the costs of completing long-range planning studies and projects. The proposed resolution would increase certain land use planning fees.
- c. Public testimony: None
- d. Council discussion:

Community Development Director Jim Hendryx reviewed the Fees and Charges schedule attached to the ordinance explaining the increased fee is only on the base fee. The revenue raised from the proposed increase will be used to pay for external support and assistance on projects (outside resources) and not used for current staff resources. With assistance from the Finance Department, revenue will be tracked. Planning services are funded from the General Fund.

Discussion followed regarding this surcharge and how building and planning services are funded and accounted. In response to a question from Councilor Woodruff, Community Development Director Hendryx advised that at the time fees are paid, the applicant would receive information to identify that the fee is for use in the long-range planning program to offset the costs of major studies. -

Mayor Dirksen, Councilor Woodruff, and Councilor Wilson each commented that they wanted to be sure that these fees are recognized separately. The funds collected from the proposed increase in certain land use planning fees will go into the General Fund; however, Council members noted they would like to see clear accounting of how much was received and how the money was used. At the time of payment, the applicant should receive information on the fee bill showing what the charges are for.

- e. Mayor Dirksen closed the public hearing.
- f. Council consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 04-99.

RESOLUTION NO. 04-99 – A RESOLUTION AMENDING  
RESOLUTION NO. 04-37 BY AMENDING EXHIBIT A THERETO  
AND INCREASING CERTAIN LAND USE PLANNING FEES

The motion was approved by a unanimous vote of the City Council present:

Mayor Dirksen:	Yes
Councilor Moore:	Yes
Councilor Sherwood	Yes
Councilor Wilson	Yes
Councilor Woodruff	Yes

5. PUBLIC WORKS DEPARTMENT: MISSION/VALUES EXERCISE  
RESULTS

This agenda item was set over to a February Council meeting.

6. REVIEW ADMINISTRATIVE ITEMS:

City Manager and Council discussed the following:

- The Council goal-setting meeting was set for January 18, 2005, 4 p.m. in the 2<sup>nd</sup> Floor Library Conference Room.
- The Council tour for the Capital Improvements Program was set for February 1, 3 p.m. Mayor Dirksen asked that the media be invited. City Manager Monahan advised the Transportation Financing Strategies Task Force was also invited.
- The first meeting of 2004 will be on January 11, at which time Mayor Dirksen and Councilors Woodruff and Harding will be sworn in. Newly elected officials will have an opportunity to speak after the oath of office ceremony.

7. Motion by Councilor Moore, seconded by Councilor Sherwood, to adjourn the meeting.


The motion was approved by a unanimous vote of the City Council present:

Mayor Dirksen:	Yes
Councilor Moore:	Yes
Councilor Sherwood	Yes
Councilor Wilson	Yes
Councilor Woodruff	Yes

The meeting adjourned at 8:29 p.m.

Catherine Wheatley  
Catherine Wheatley, City Recorder

Attest:

  
Mayor, City of Tigard

Date: 1.25.05

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